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January 3, 2008

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VIA ELECTRONIC MAIL

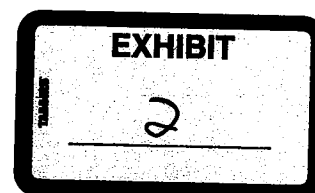
Re: Your letter of December 28, 2007 regarding Motion to Expand the Discovery Period

Dear Bruce:

We are in receipt of your December 28, 2007 letter regarding the State's Motion to Expand the Discovery Period. You raise three points. The State responds as follows:

1. While the State and the Cargill Defendants have exchanged letters and conferred, they do not have any agreement which would be contravened by the State's Motion to Expand the Discovery Period. My letter of July 10, 2007 to Ms. Hill specifically required, consistent with Judge Joyner's order, documents reflecting corporate knowledge without limit as to date or geographical location. That letter did, again consistent with Judge Joyner's order, limit the *geographical scope* of the State's requests to delete requests for raw "data" from outside the IRW. Further, the July 10 letter asked for "what records [Cargill Defendants] have of such past operations and the cost of producing such information," clearly signaling the State's interest in a hearing on the cost-benefit analysis of records from within the IRW beyond the five year limit. Nothing in Ms. Hill's letter of August 2, 2007, evidences an agreement, and that letter explicitly reserves the right to make a final determination of cost and burden of discovery. Thus, that letter itself negates any inference of a completed agreement.

2. The State's meet and confer obligations have been fully satisfied with respect to the Motion to Expand the Discovery Period. The so-called "5-year limitation" on the scope of certain discovery has been the subject of continuing dispute between the parties at the hearings, the Court made clear at the September 27, 2007 hearing that the State needed to file its motion on this issue in order to get it resolved. That is precisely what the State has done. A call for additional meeting and conferring on this issue is, in the State's opinion, merely a ruse designed to delay resolution of this issue.

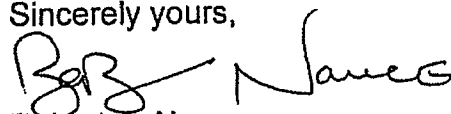


However, if the Cargill Defendants have a discrete proposal to resolve the "5-year limitation" issue with the State we would be willing to discuss it.

3. The timing of the State's Motion to Expand the Discovery Period is neither unfortunate nor unnecessary. The State's expert reports on the merits are coming due shortly, and the State needs all of the discovery that it is entitled to immediately. Further, as Defendants have multiple attorneys working on this case there is no reason to believe that Defendants cannot prepare their response to this motion while dealing simultaneously with the preliminary injunction motion. Defendants might better spend their considerable resources simply responding to the motion rather than moving, without any basis, to strike it.

In short, the State's Motion to Expand the Discovery Period is entirely appropriate and we see no basis for striking it from the Court's consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R. A. Nance", written over a horizontal line.

Robert A. Nance
For the Firm

cc: Kelly Burch, Esq.